

21 C.J.S. Courts § 230

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

5. Nature of Prior Decisions

§ 230. Advisory opinions—Attorney general opinions

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#) 89

Opinions of a state attorney general are not binding precedents although the court may give them persuasive effect in the absence of controlling authority.

Opinions of a state attorney general are not binding precedents,¹ although the court may give them persuasive effect² in the absence of controlling authority,³ as when used as an aid in construing legislative intent.⁴ A federal court of appeals may owe deference to legal interpretations of the attorney general that are based on a permissible statutory construction.⁵ Whether the court will follow an attorney general's opinion depends upon its own view of the soundness of the opinion's reasoning and the correctness of its conclusion.⁶

CUMULATIVE SUPPLEMENT

Cases:

Absent controlling authority, an Attorney General's opinion is persuasive because the court presumes that the Legislature was cognizant of the Attorney General's construction of a statute and would have taken corrective action if it disagreed with that construction. [Towner v. County of Ventura](#), 63 Cal. App. 5th 761, 277 Cal. Rptr. 3d 891 (2d Dist. 2021), review denied, (Aug. 18, 2021).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

1 Ariz.—[Logan v. Forever Living Products Intern., Inc.](#), 203 Ariz. 191, 52 P.3d 760 (2002).

Ark.—[Arkansas Professional Bail Bondsman Licensing Bd. v. Oudin](#), 348 Ark. 48, 69 S.W.3d 855 (2002).

Conn.—[Starks v. University of Connecticut](#), 270 Conn. 1, 850 A.2d 1013 (2004).

Ind.—[McPeek v. McCardle](#), 888 N.E.2d 171 (Ind. 2008).

Kan.—[McCraw v. City of Merriam](#), 271 Kan. 912, 26 P.3d 689 (2001).

Md.—[Public Service Com'n of Maryland v. Wilson](#), 389 Md. 27, 882 A.2d 849 (2005).

Mich.—[Danse Corp. v. City of Madison Heights](#), 466 Mich. 175, 644 N.W.2d 721 (2002).

Miss.—[Madison County v. Hopkins](#), 857 So. 2d 43 (Miss. 2003).

Nev.—[Blackjack Bonding v. City of Las Vegas Municipal Court](#), 116 Nev. 1213, 14 P.3d 1275 (2000).

Vt.—[Okemo Mountain, Inc. v. Town of Ludlow](#), 171 Vt. 201, 762 A.2d 1219 (2000).

Va.—[Nejati v. Stageberg](#), 286 Va. 197, 747 S.E.2d 795 (2013).

2 Ala.—[Alabama Dept. of Public Safety v. Barbour](#), 5 So. 3d 601 (Ala. Civ. App. 2008).

Ariz.—[Dowling v. Stapley](#), 218 Ariz. 80, 179 P.3d 960, 230 Ed. Law Rep. 794 (Ct. App. Div. 1 2008).

Cal.—[Sisemore v. Master Financial, Inc.](#), 151 Cal. App. 4th 1386, 60 Cal. Rptr. 3d 719 (6th Dist. 2007).

Wis.—[Juneau County Star-Times v. Juneau County](#), 2013 WI 4, 345 Wis. 2d 122, 824 N.W.2d 457 (2013).

3 Cal.—[Sisemore v. Master Financial, Inc.](#), 151 Cal. App. 4th 1386, 60 Cal. Rptr. 3d 719 (6th Dist. 2007).

4 Va.—[Nejati v. Stageberg](#), 286 Va. 197, 747 S.E.2d 795 (2013).

5 U.S.—[Lawrence v. Holder](#), 717 F.3d 1036 (9th Cir. 2013) (immigration case).

6 Ala.—[Alabama Dept. of Public Safety v. Barbour](#), 5 So. 3d 601 (Ala. Civ. App. 2008).